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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Report of the Secretary-General prepared in accordance with Commission resolution 1996/15

CONTENTS

		Paragraphs	Page
Introduction		1 - 3	2
I.	Comments submitted by United Nations bodies and specialized agencies	4 - 18	2
II.	Coordination of activities with regard to the implementation of the Declaration on the Right to Development	19 - 20	7

Introduction

1. In its resolution 1996/15 the Commission on Human Rights invited the United Nations High Commissioner for Human Rights to ensure widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, as well as institutes of human rights, academia and interested non-governmental organizations all over the world, so that the Declaration would be better known to those in charge of its implementation.

2. In the same resolution, the Commission requested the High Commissioner, in his capacity as overall coordinator of United Nations human rights activities, to continue his dialogue with appropriate specialized agencies and bodies of the United Nations system with regard to the impact of their programmes and activities on the implementation of the right to development. In accordance with that request, the High Commissioner addressed a note verbale to United Nations bodies and specialized agencies on 16 September 1996, seeking information relevant to the implementation of the Declaration on the Right to Development. As of 30 January 1996, substantive replies had been received from the United Nations Centre for Human Settlements (Habitat), the United Nations Conference on Trade and Development, the United Nations Population Fund, Office of the United Nations High Commissioner for Refugees, the World Food Programme and the World Health Organization. They are reflected in section I below.

3. The Commission requested the Secretary-General to submit a report on the implementation of resolution 1996/15 to the Commission at its fifty-third session. The present report is submitted in accordance with that request. The attention of the Commission is also drawn to the report of the Secretary-General to the General Assembly on the right to development (A/51/539) of 23 October 1996, the report of the High Commissioner to the General Assembly (A/51/36) of 18 October 1996 and the report of the High Commissioner to the Commission on Human Rights at its present session (E/CN.4/1997/98).

I. COMMENTS SUBMITTED BY UNITED NATIONS BODIES AND SPECIALIZED AGENCIES

United Nations Centre for Human Settlements (Habitat)

[Original: English]
[4 October 1996]

4. The United Nations Centre for Human Settlements considers the right to development as fundamental in guiding efforts to improve the quality of life of the world's population in human settlements. In pursuit of this objective, the diverse research programmes and technical cooperation activities of UNHCS (Habitat) aim to improve the housing, working and living conditions in human settlements. The lack of comprehensive policies to guide human settlements planning, management and development and/or the insufficiency of these policies, along with the lack of political commitment and constructive

awareness of these issues in many parts of the world, seem to be major obstacles in the utilization of this great potential. The role and contribution of human settlements to the global development process has yet to be fully recognized.

5. Human settlements, being the places where almost all development activities are generated and/or implemented, are the appropriate locations where the right policies can be put into action. Democratization, decentralization, gender awareness, promotion of the concepts of participation, enabling and sustainable strategies, alleviation of poverty are the basic principles that are globally accepted as constituting fundamental prerequisites to development. In all the processes to implement these principles, efficient and effective human settlements development and management are a key factor. Inadequate urban services, lack of infrastructure, lack of adequate shelter and insecurity of tenure, particularly in the informal settlements which are the dominant form of urban development in many parts of the developing world, are formidable barriers to the promotion and implementation of the right to development.

6. In this context, the vital role of the realization of the right to adequate housing in promoting enjoyment of the right to development should also be stressed. Housing, being the most important single investment in the life of the majority of the world's population, should not be considered only in its aspect of physical "shelter", but should be given full consideration as the most important element of family life where all social, economic, cultural and political activities begin and are sustained. Despite this fact, however, more than one fifth of the world's population is inadequately housed and more than 100 million people are homeless. In many of the large cities of developing countries, some 30 to 50 per cent of the population live in slums and squatter settlements. Over the past decade, the number of homeless and of those who lack decent shelter and services has unfortunately continued to increase. It is essential to regard the fields of human settlements and shelter as the two fundamental areas where policies aiming at the realization of the right to development should be put into action and promoted by all appropriate means. It is very significant in this context that the Habitat II Conference clarified and reconfirmed the existence and the legal status of the human right to adequate housing and elaborated on the directions where action should be concentrated for the realization of this right. In this connection, UNHCS (Habitat) will closely cooperate with the High Commissioner/Centre for Human Rights and the Committee on Economic, Social and Cultural Rights and incorporate research and technical cooperation activities on this subject with its current and forthcoming work programmes.

United Nations Conference on Trade and Development

[Original: English]
[7 January 1997]

7. The United Nations Conference on Trade and Development informed the Secretary-General that, UNCTAD being the principal organ of the United Nations in the field of trade and development, its work programme and the decisions of its intergovernmental bodies are pertinent to the Declaration on the Right to Development. The relevance of its work for the implementation of the Declaration can be seen in the results of the ninth session of the

United Nations Conference on Trade and Development, held in Midrand, South Africa, from 27 April to 11 May 1996. 1/ The Conference adopted the Midrand Declaration and a Partnership for Growth and Development.

United Nations Population Fund

[Original: English]
[11 October 1996]

8. The United Nations Population Fund, following principle 3 of the Programme of Action adopted at the International Conference on Population and Development, which reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, takes specific initiatives to enhance the right to development. UNFPA is:

(a) Helping to make sexual rights and freedom from violence a reality; a technical consultation on female genital mutilation was held in March 1996, with 52 participants from African and Arab States, to produce a framework for integrating activities relating to the eradication of female genital mutilation into UNFPA core programme areas from which, together with UNICEF and WHO, a joint statement on the eradication of female genital mutilation was issued;

(b) Strengthening national-level advocacy for enforceable reproductive rights; a project with the Centre for Reproductive Law and Policy to work with law and policy NGOs in 51 countries to review and promote national policies and legislation that improve women's access to a full range of reproductive health care and that advance their rights, particularly in areas that afford them reproductive choice;

(c) Mainstreaming reproductive and sexual health and rights into the work of the United Nations human rights treaty bodies;

(d) Promoting health security for women as a human right; as part of the WHO sponsored Global Commission on Women's Health, there are advocacy efforts to improve the health status of women and girls and to develop policy guidelines and advocacy tools for enforcing the rights of women and girls in such areas as education and violence, towards the overall goal of health security;

(e) Helping young women participate in decisions that affect their health and lives; a workshop was held in May 1996 in collaboration with the Centre for Development and Population Activities at which 32 young girls/women met to develop action plans to implement the recommendations of both the Cairo and Beijing Conferences relating to health of adolescents and youth;

(f) Studying male sexuality in and out of the family; a research study is being conducted with the Population Council in Ghana, Pakistan, Egypt, Kenya, the Philippines and Zambia on the attitudes and views of adolescent boys and men on their sexual and reproductive behaviour, decision-making about contraception and their role in the family. This study complements the Population Council's on-going study on girls and women;

(g) Mainstreaming gender into all UNFPA programmes and projects; UNFPA is taking steps to strengthen the integration of gender equality and human rights issues in all aspects of its reproductive health, population and development strategies and advocacy work through the training of staff at all levels.

Office of the United Nations High Commissioner for Refugees

[Original: English]
[7 October 1996]

9. The mandate of UNHCR is directly related to providing protection and assistance to refugees and others in need of protection, and to finding solutions to the problem of refugees. Traditionally, the implementation of the right to development and the attendant development work has been considered to fall outside of UNHCR's domain and inside the domain of other United Nations partners. Thus UNHCR has not been actively involved in the promotion of the Declaration and does not see itself as a primary partner in the development context.

10. In recent years, however, the High Commissioner for Refugees has turned more towards the solutions side of the mandate, recognizing that refugee problems will not abate unless the causes for refugee displacement are addressed in countries of origin/return. The High Commissioner has, in the context of this prevention, protection and solutions oriented strategy, paid increased attention to the post-return phase, that is, after refugees are returned to their country of origin, and are being reintegrated into the society. It is in the work that UNHCR does in its capacity of consolidating durable voluntary repatriation that the obvious link between returnee aid and development has enhanced the recognition that under-development and its attendant problems, (most importantly, the lack of respect for human rights) can be an important cause of refugee flows.

11. As a result, over the past five years or so, UNHCR has attempted to address some of these issues in its repatriation work. This has usually been done within the context of a regional plan or process to stabilize an area, and in cooperation and collaboration with other agencies charged with development tasks. The Central American Conference on Refugees and Displaced Persons (CIREFCA), which was undertaken in conjunction with the Governments of States in the region, NGOs active in the region, donor States and UNDP from 1989 to 1994, is one example of such an approach. UNHCR became involved in development projects in countries to which former refugees had recently returned in order to enhance the stability of conditions and provide opportunities for returning refugees to integrate through ensuring adequate infrastructure development and projects leading to self-sufficiency for the returnees. UNHCR has subsequently been able to close or reduce substantially its presence in certain countries in the area, as a result of the success of this development-oriented approach, in conjunction, of course, with increasing stabilization and positive developments in the human rights situation in these countries.

12. Chief among the mechanisms used by UNHCR for these purposes have been the "quick impact projects" (QIPs), small infrastructure and income-generation projects requiring a relatively small financial input, but insisting on the active participation of the beneficiary population for their completion -

usually in the form of contributed labour. QIPs were first used as part of the CIREFCA project and now have been "exported" to other parts of the world with some success. A particularly successful application and enhancement of the QIP concept was utilized in the repatriation phase of the Mozambique operation, which was concluded this year. In Mozambique a "development mapping" concept was utilized to identify the specific development needs in areas of refugee return, and analyse what type of projects were necessary in those areas. An important recommendation coming out of the Mozambique experience was that such analysis should be completed very early in the repatriation phase, in order to maximize its usefulness.

13. Thus while UNHCR is not a development agency, and is not directly involved in the promotion of the right to development, its mandate to find solutions to refugee problems does lead it, in the appropriate circumstances, to become involved in development-related activities. This may become more prevalent as situations where the QIP model would appear to be useful are encountered and identified.

World Food Programme

[Original: English]
[16 October 1996]

14. The World Food Programme informed the High Commissioner concerning the implementation of the right to food as a key prerequisite for the exercise of the right to development. WFP believes that hunger prevents development today and tomorrow. Hunger traps the poor in a vicious circle of low productivity, low earnings, low consumption, low productivity; hence in perpetual poverty. When the hunger for nutrition of unborn babies and children is not met adequately, it retards their physical and mental development, and the right to development of a new generation is denied.

15. Assuring the right to food is the meeting of a developmental imperative; it is not a mere meeting of humanitarian considerations. This is because hunger is a constraint to development. The poor cannot pursue their right to development, even if opportunities are available to do so, without being helped out of hunger. Hunger weakens its victims physically and psychologically; it denies them opportunities that may be available for social and economic advancements.

16. The corollary to the right to development is that development should be about people. It is not about GDP, not about industrial growth, not about agricultural surpluses and not about scientific advancement. Food security for all is an important developmental imperative, but food security is not about agricultural output or national food balances. It is about assuring all people a life free of the risks of malnutrition and starvation.

World Health Organization

[Original: English]
[29 October 1996]

17. The World Health Organization informed the High Commissioner concerning the concept of "Health for all" contributing to the implementation of the Declaration on the Right to Development. WHO in May 1977 endorsed the concept of "Health for All" which was subsequently developed at the International Conference on Primary Health Care in Alma Ata in 1978. The concept places high value on the achievement by all of a socially and economically productive life. The development of the Primary Health Care Strategy translated the concept into health care interventions and intersectoral actions for health. Furthermore, the Primary Health Care Strategy placed strong emphasis on the need for community participation.

18. Since the Alma Ata Conference, significant gains in health status have been achieved and access to primary health care has increased dramatically, as shown by the World Health Report 1995. However, gaps in health status and determinants are increasing between and within countries. These and other challenges, such as globalization of trade, travel and technology, urbanization and the growth of megacities, changing concepts of health, have led WHO to review its policies in planning for the twenty-first century. 2/ In doing so, WHO will reaffirm its commitment to "Health for all" and recognize that the links between the attainment of human rights in health and health promotion are inextricably linked. Specific strategies to ensure that equity and human rights are operationalized at the local, national and global levels are in the process of development.

II. COORDINATION OF ACTIVITIES WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

19. As described in the medium-term plan for the period 1998-2001, adopted by the General Assembly in 1996, one of the three subprogrammes of the United Nations human rights programme concerns the right to development, research and analysis. The objective will be to develop an integrated and multidimensional strategy for the implementation, coordination and promotion of the right to development in accordance with the Declaration on the Right to Development and the Vienna Declaration and Programme of Action, aimed at facilitating action to be taken by relevant bodies of the United Nations system, including human rights treaty bodies, and international development and financial institutions and non-governmental organizations.

20. The High Commissioner for Human Rights is continuing to promote inter-agency cooperation and coordination with regard to human rights, including the right to development, throughout the United Nations system. At the Headquarters level, the practise of holding consultations on programmes and projects is very encouraging. Cooperation in field activities is also continually growing, making United Nations efforts more effective and less expensive. It is essential that bodies and agencies active in the area of development include to a larger extent the human rights component provided by

or consulted with the High Commissioner for Human Rights in their field activities. The consideration of joint projects aimed at the implementation of the right to development on the ground by these agencies and the United Nations human rights programme should also be continued.

Notes

1/ The report of the ninth session (TD/378, 5 August 1996) is available for consultation in the Secretariat.

2/ The challenges mentioned are outlined in a paper provided by WHO entitled "Renewal of the health for all strategy", written by Dr. Derek Yach, Chief of the Policy Action Coordination Team, Division of Development, Programme and Evaluation. This paper is available for consultation in the Secretariat.